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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,989	06/29/2001	Steven Neil Tischer	BELL-0111	1524
38952	7590	10/17/2005	EXAMINER VAUGHN, GREGORY J	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ART UNIT 2178	PAPER NUMBER

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,989	<b>Applicant(s)</b> TISCHER, STEVEN NEIL	
	<b>Examiner</b> Gregory J. Vaughn	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Action Background*

1. This action is responsive to the Request for Continued Examination, filed on 7/29/2005.
2. Applicant has amended claims 1, 4, 11, 14, 20, 21 and 22.
3. Claims 1-27 are pending in the case, claims 1, 11, 20 and 21 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 6/2/2005) has been withdrawn pursuant to 37 CFR 1.114.
5. Examiner's rejection of claims 1, 4, 5, 11, 14, 15 and 20-24, made under 35 USC 112 in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 6/2/2005) is withdrawn in view of the interview conducted on 7/14/2005 (interview filed on 7/18/2005).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

7. Claims 1-3, 11-13, 20 and 21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Krug et al. US Patent 6,721,736, filed 11/15/2000, patented 4/13/2004 (hereinafter Krug).

8. **Regarding independent claim 1**, Krug discloses a method for presenting structured digital content in Figure 5 at reference sign 46 (shown as "Search Results Page"). Krug discloses reading a first file defining a hierarchical structure for presenting digital content items, where the hierarchical structure defines a plurality of categories into which the digital content items are classified. Krug recites: "*FIG. 7 shows the HTML syntax tree provided by the syntax tree parser 20 corresponding to the search result frame 68 of FIG. 6. The syntax tree is the basis for all further procedures. In the preferred embodiments, the syntax tree parser is executed by a module of the*

*interpreter programming language PERL. In the hierarchical syntax tree 76, the HTML tags are arranged in order of their appearance in the documents while their dependence on other tags 70 is represented by their level 78" (column 10, lines 17-25).*

Krug discloses reading a plurality of second files, where the second files defines at least one digital content item to be presented according to the hierarchical structure, and where the second file corresponds to one of the plurality of categories in Figure 2 at reference sign 14 (shown as "Hits"). Krug discloses the categories as layers in Figure 7 at reference sign 78 (shown as "Levels") and in Figure 8 at reference sign 76 (shown as "The Syntax Sub-Tree").

Krug discloses mapping the plurality of levels to areas on the display in Figure 5 at reference sign 58 (shown as one of the three levels mapped to the page in the figure). Krug discloses receiving a location on the display and displaying a level of the plurality of levels corresponding to the received location. Krug recites: *"The term "hit" refers to a particular document found by the primary search engine during the Internet search. Usually, the hits retrieved by a primary search engine are embedded in the search response representation among other information. The search result information associated with a hit is grouped together in a "result frame". Hence, a primary search engine usually retrieves several hits during an Internet search, the search response representation comprises a number of result frames with the corresponding hits and additional parts that are not related to a particular*

*search query. In the preferred embodiments, the search responses are encoded in either one of the markup languages HTML or XML. Documents encoded in these languages can be viewed as a sequence of markups (tags) placed within the text defining the format and layout of the text."* (column 4, lines 48-63).

Krug discloses a user-selected location, and displaying the level after the user selection is received in Figure 5 at reference sign 58 (shown as the user selection of the desired category), which is subsequently displayed to the user (the display of a web page after the selection of a hyperlink is well know in the art).

9. **Regarding dependent claim 2**, Krug discloses an XML schema file. Krug recites: *"In the preferred embodiments, the search responses are encoded in either one of the markup languages HTML or XML. Documents encoded in these languages can be viewed as a sequence of markups (tags) placed within the text defining the format and layout of the text. In this context, the term "syntax" and accordingly "syntax element" refer to the representation of these markups within the text and their specific meaning. A syntax pattern is a certain sequence of such syntax elements, where the order and the relationship between the syntax elements are important features of the pattern. When displayed with an HTML or XML compatible browser (software tool for displaying Internet documents encoded in HTML or XML), changing one syntax element within an HTML or XML document usually has an effect*

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*on the appearance either with respect to the layout or the format of the corresponding part of the text"* (column 4, line 59 to column 5, line 7).

10. **Regarding dependent claim 3**, Krug discloses the second file as XML.

Krug states that HTML and XML are equivalent. Krug recites: "*In the preferred embodiments, the search responses are encoded in either one of the markup languages HTML or XML*" (column 4, lines 59-61). Krug further recites: "*FIG. 6 shows a sample of HTML source code 68 corresponding to a particular search result frame 58*" (column 10, lines 6-7).

11. **Regarding claims 11-13**, the claims are directed toward a computer-readable medium for the method of claims 1-3, and remain rejected using the same rationale.

12. **Regarding claims 20 and 21**, the claims are directed toward a method and a system, respectively, for the method of claim 1, and remain rejected using the same rationale.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been*

*obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

14. Claims 4-5, 14-15 and 22-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Wen-Syan Li US Patent 6,691,108, filed 12/12/2000, patented 2/10/2004 (hereinafter Li).

15. **Regarding dependent claim 4**, Krug discloses presenting structured digital content items by reading a structure defining file, reading content item files, mapping the content levels to a display, receiving a location on a display and displaying the levels as described above. Krug fails to disclose identifying a level. Li teaches identifying a level. Li recites: *"a focused search engine employing the inventive method described herein may provide categorized information; a search may easily be narrowed by selection of a particular category of interest from those categories recognized by the search engine"* (column 2, lines 41-46).

Therefore it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine receiving a selection of a location on a display and identifying a level as taught by Li with the search engine of Krug in order to *"recognize different classifications of information and identify category-specific search terms which will assist in finding the most relevant documents related to an issued query or other request for information"* (Li, column 2, lines 12-16).



16. **Regarding dependent claim 5**, Krug discloses identifying a second file corresponding to a selected level, mapping the second file to a display, receiving a location and identifying a second file related to the received location as described above (see claim 1). Krug fails to disclose displaying the content item corresponding to the identified file. Li teaches displaying the content item. Li recites: *"In one embodiment, a focused search engine and method may display query results organized by topic category, as shown on the right side of FIG. 1"* (column4, lines 26-28).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine displaying the content item as taught by Li with the search engine of Krug in order to *"recognize different classifications of information and identify category-specific search terms which will assist in finding the most relevant documents related to an issued query or other request for information"* (Li, column 2, lines 12-16).

17. **Regarding claims 14-15 and 22-23**, the claims are directed toward a computer-readable medium and a system, respectively, for the method of claims 4-5, and remain rejected using the same rationale.
18. Claims 6-9, 16-19 and 24-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Li, and in further view of Arnold et al. US Patent 6,745,161, filed 7/10/2000, patented 6/1/2004 (hereinafter Arnold).
19. **Regarding dependent claims 6-9**, Krug and Li disclose receiving a selection of a location on a display as described above. Li further discloses

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receiving a second selection in Figure 6 at the intermediate search results page shown at "car". Krug and Li disclose identifying a second file that corresponds to the selected location as described above. Krug and Li fail to disclose storing an indication of the selected second file (claim 6), storing the indication in the second file (claim 7), storing the indication in a third file (claim 8) or storing the indication in the first file (claim 9). Arnold discloses storing an indication of the selected file in Figure 7, at the bottom of the figure where Arnold recites: *"Identified concepts and related information is embedded in the original source documents or in a proxy documents containing concept tags"*.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the storing of preferences as taught by Arnold with the search engine teachings of Krug and Li in order to provide a *"method that allows a user to easily obtain information via the Web. The method should allow a user to use natural language, and search based on idea concepts"* (Arnold, column 2, lines 38-41).

20. **Regarding claims 16-19 and 24-27**, the claims are directed toward a computer-readable medium and a system, respectively, for the method of claims 6-9, and remain rejected using the same rationale.
21. Claim 10 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Krug in view of Arnold.

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22. **Regarding dependent claim 10**, Krug discloses presenting structured digital content items by reading a structure defining file, reading content item files, mapping the content levels to a display, receiving a location on a display and displaying the levels as described above. Krug fails to disclose receiving a location selection from a mouse or touch screen. Arnold discloses the use of a mouse and a touch screen. Arnold recites: *"Instead of a mouse or other pointing device, the display can provide a resistive touch surface"* (column 20, lines 24-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of a mouse as taught by Arnold with the search engine teachings of Krug in order to provide a *"method that allows a user to easily obtain information via the Web. The method should allow a user to use natural language, and search based on idea concepts"* (Arnold, column 2, lines 38-41).

***Response to Arguments***

23. Applicant's arguments filed 7/29/2005 have been fully considered but they are not persuasive.

24. **Regarding claims 1, 11 and 21**, applicant states: "*Krug et al. does not teach or suggest the display of a layer item or a digital content item only after a user-selected location is received*" (page 10, first paragraph, of the amendment filed 7/29/2005). The applicant is directed to the rejection of claim 1, 11 and 21 as restated above. Furthermore Krug discloses the categories as layers in Figure 7 at reference sign 78 (shown as "Levels") and in Figure 8 at reference sign 76 (shown as "The Syntax Sub-Tree"). Krug also discloses a user-selected location, and displaying the level after the user selection is received in Figure 5 at reference sign 58 (shown as the user selection of the desired level), which is subsequently displayed to the user (the display of a web page after the selection of a hyperlink is well know in the art).

25. **Regarding claims 4-5, 14-15 and 22-23**, applicant's arguments are substantially the same as the arguments for claims 1, 11 and 21. See the previous paragraph for the examiner's response.

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**Conclusion**

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
October 13, 2005

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
10/13/2005